

**REMARKS**

In response to the Official Action of June 6, 2006, reconsideration of the rejection of the claims under 35 USC §103 is earnestly solicited for the reasons set forth below. In addition, claims 1-22 have been amended to delete parenthetical reference numerals and to make minor amendment to the terminology used in the claims. Furthermore, claims 23-26 are newly presented. These claims correspond respectively to claims 1, 2, 17 and 18 but are written using "means plus function" terminology.

Referring to paragraph 4 of the Action, claims 1-6, 8-18 and 22 are rejected under 35 USC §103(a) as unpatentable over US patent 6,825,830, Kaneska et al (hereinafter Kaneska), further in view of US patent application publication 2002/0095538, Marshall.

Specifically, it is recited that Kaneska teaches a personal communication device as shown in Figures 1 and 2 thereof for use as a mobile station of a digital cellular radio network and that it teaches the recited elements of claim 1 except for the amulet comprising a microphone and speaker. The Office cites Marshall for teaching such features as shown in Figure 8 thereof, where module 200 comprises a microphone 206 and speaker 208. The Office asserts that it would be obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Marshall into Kaneska. Applicant respectfully disagrees.

It is seen in Kaneska that it is directed to an information processing system which has a first information processing device 100 and a second information processing device 101 (see Figures 1 and 2). Device 100, which is disclosed as being typically a portable telephone, has a transceiver 201 that consists of a communication unit or modem, and communicates with a relay station (base station) 102 (see Kaneska column 5, lines 23-26). The second information processing device 101 does not communicate with the base station but does perform short distance wireless

communication with the first information processing device 100 (see Kaneska column 4, lines 41-45).

As set forth at column 1, lines 28-36, it is noted that prior portable telephones typically have a display which is difficult to look at when the telephone is in use due to the proximity of the display with the speaker portion of the telephone. In particular, it is stated: "This gives rise to the problem that telephone numbers and other information stored in the portable telephone cannot be displayed at the display screen and the contents of the display screen cannot be confirmed while a conversation is taking place." (see Kaneska column 1, lines 32-36). The solution as set forth in Kaneska is set forth at column 1, lines 55-65; namely, ". . . that to resolve the above-mentioned problems, an information processing device of the present invention comprises display means for displaying characters, symbols and images, wireless communication means for receiving data from another information processing device by wireless communication, and display control means for controlling the display controller and displaying the same content as part of or the whole of content displayed at the display screen of another information processing device based on data received by the wireless communication means."

In short, Kaneska is directed to having display screen 120 of the second information processing device 101 show some or all of the information which would normally be presented on display screen 110 of the first information processing device 100, thereby allowing the user of the first information processing device when having a telephone conversation to see information on the display screen 120 and thereby not have to remove the first information processing device 100 from the user's ear.

The recited purpose of the present invention is quite different from Kaneska. Indeed, it is noted at page 2, line 14 through page 3, line 27 that a first aspect of the present invention involves a departure from conventional system design of personal telecommunication devices where the device has the form of a generally rectangular prism with two large side surfaces, one of which has a display and a loudspeaker within

the upper half of the surface and a small keypad and a microphone within the lower half of the surface. Rather, the present invention discloses a personal telecommunication device that comprises two mechanically separate parts referred to as the amulet and the keypad part. Of these, the amulet is adapted to be worn on the torso of the user and includes a display while the keypad part includes a keypad.

As shown in Figures 4a and 4b, the amulet is by its nature typically located closer to the user's mouth and ears than the keypad part so that the amulet may be used as the platform for the audio user interface of the personal telecommunication device and can comprise a microphone 413 that is coupled through an A/D converter 414 to the processor 332. Thus, the keypad part 402 is not designed for placement near the user's head for purposes of orally communicating via the personal telecommunication device.

The amulet also includes an electroacoustic transducer 412 for setting up an audio interface between the personal communication device and a human user (see column 8, lines 16-33). Thus, the very purpose of the present invention is to provide a personal communication device in which the keypad part that comprises the keypad is not the part that contains the microphone and electroacoustic transducer for setting up an audio interface between the personal communication device and a human user. In short, it is the amulet that comprises the microphone and electroacoustic transducer which allow the user on which the amulet is worn to communicate orally through the personal communication device, rather than to incorporate the microphone and the electroacoustic transducer in the keypad part.

Thus, the very purpose of the present invention is to present a telecommunication device that is different from the traditional telecommunication device upon which the disclosure in Kaneska is based. Thus, it would be contrary to the purpose of Kaneska in which the first information processing device is the device with the display and the microphone and electroacoustic transducer to not use that microphone and electroacoustic transducer, but rather to additionally put the

microphone and transducer into the second information processing device which is removed from the user's head by its very nature. In short, there would be no motivation to put the microphone and electroacoustic transducer into the second information processing device 101 of Kaneska as argued by the Office.

As set forth in MPEP §2143.01, section V:

"If the proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. (citation omitted)."

Here, to modify Kaneska in the manner as suggested by the Office so as to place a microphone and speaker in the second information processing device would be contrary to the very purpose of Kaneska, which is to have the first information processing device, which is placed near the user's head when in use, to include the microphone and speaker.

Furthermore, Marshall is directed to a portable information storage module for information shopping which does not disclose or suggest a two-part communication device. Rather, Marshall considers a single-part media player, one function of which is the possible storage of audio messages. There is simply no resemblance between the telephone applications of Kaneska and the listened to music applications as disclosed in Marshall. This further shows that there is no motivation to make Marshall's media player into a two-part device, because its use does not involve any of the physiological problems that are specifically addressed by Kaneska, such as the difficulty of the display associated with the first information processing device from being seen by the user when the device is in use during telephone communications.

As a result, it is respectfully submitted that Kaneska and Marshall cannot be combined in the manner as argued by the Office and therefore it is respectfully

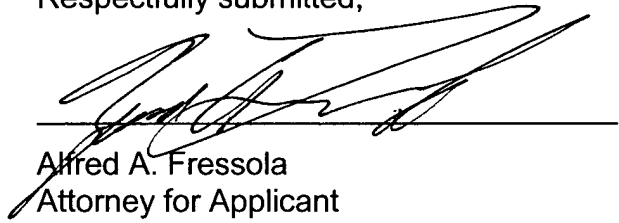
submitted that claims 1-6, 8-18 and 22 are not suggested by Kaneska in view of Marshall.

Furthermore, the rejection of claim 7 under 35 USC §103(a) as unpatentable in view of Kaneska, in view of Marshall as applied to claim 1, further in view of US patent application publication 2004/0240163, Adams et al, and the rejection of claims 19-21 under 35 USC §103(a) as unpatentable over Kaneska in view of Marshall as applied to claim 17, further in view of US patent 5,956,630, Mackey, are also believed to be overcome due to the inappropriateness of combining Kaneska and Marshall as discussed as above.

Newly submitted claims 23-26 respectively correspond to claims 1, 2, 17 and 18 but are written with "means plus function" terminology. The new claims are believed allowable for the same reason as presented above with respect to claims 1, 2, 17 and 18.

It is therefore respectfully submitted that the present application as amended is in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Alfred A. Fressola', is written over a horizontal line.

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